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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,583	09/26/2003	Allan M. Weiner	7162-116	8639

39207 7590 02/24/2005

SACCO & ASSOCIATES, PA  
P.O. BOX 30999  
PALM BEACH GARDENS, FL 33420-0999

EXAMINER
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GIBSON, ERIC M

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,583

Applicant(s)

WEINER, ALLAN M.

Examiner

Eric M Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 26-36 is/are allowed.
- 6) ☒ Claim(s) 1,6,9,10,12,14,21,22 and 25 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-8,11,13-15,17-20,23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/26/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6, 9, 10, 12, 14, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies (US005329595A).

a. Per claim 1, Davies teaches a system and method for analyzing optical spectral data of a terrain image including selecting a list of targets for which desired information is to be automatically acquired by the spacecraft (column 7, lines 4-7; see also admitted prior art, applicant's specification page 1, [0002]), acquiring data anticipated to correspond to the desired information for at least one of the targets (column 4, lines 20-41), and automatically processing the data on-board the spacecraft to determine whether the data contains at least a predetermined portion of the desired information (column 4, lines 42-55).

b. Per claim 6, Davies further teaches that the processing can include a cloud detection algorithm (column 6, lines 11-14).

c. Per claim 9, Davies teaches that the total volume of data to be acquired often exceeds the data storage capacity of the spacecraft (column 4, lines 12-16).

d. Per claim 10, Davies teaches recording data in a data storage device (column 9, lines 25-27).

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e. Per claim 12, Davies teaches a system and method for analyzing optical spectral data of a terrain image including control processor means responsive to a list of targets for which desired information is to be automatically acquired by the spacecraft (column 7, lines 4-7; see also admitted prior art, applicant's specification page 1, [0002]), acquiring data anticipated to correspond to the desired information for at least one of the targets (column 4, lines 20-41), and data processing means for automatically processing the data on-board the spacecraft to determine whether the data contains at least a predetermined portion of the desired information (column 4, lines 42-55).

f. Per claim 14, Davies further teaches that the processing can include a cloud detection algorithm (column 6, lines 11-14).

g. Per claim 21, Davies teaches that the total volume of data to be acquired often exceeds the data storage capacity of the spacecraft (column 4, lines 12-16).

h. Per claim 22, Davies teaches recording data in a data storage device (column 9, lines 25-27).

i. Per claim 25, Davies further teaches a communications receiver for acquiring information (124, figure 7).

***Allowable Subject Matter***

2. Claims 26-36 are allowed.

a. Per independent claim 26, the prior art does not teach or reasonably suggest in combination the present invention including means for automatically

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discarding the data if the data does not contain at least a predetermined portion of the desired information as claimed.

b. Claims 27-36 serve to further define the invention of claim 26 over the prior art.

3. Claims 2, 3, 5-8, 11, 13-15, 17-20, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

a. Per claims 2 and 13, the prior art does not teach or reasonably suggest in combination the present invention including means for automatically discarding the data if the data does not contain at least a predetermined portion of the desired information as claimed.

b. Claims 3, 14, and 15 would serve to further define the invention of claims 2 and 13 over the prior art.

c. Per claims 5 and 17, the prior art does not teach or reasonably suggest in combination the present invention including that the desired information is an RF signal and acquiring data for targets on the target list where the RF signal is anticipated to potentially have a signal to noise ratio that is too low to allow useful information to be extracted as claimed.

d. Claims 6 and 18 would serve to further define the invention of claims 5 and 17 over the prior art.

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e. Per claims 7 and 19, the prior art does not teach or reasonably suggest in combination the present invention including that the desired information is an RF signal and the spacecraft acquires data for targets on the target list where the RF signal is not certain to contain a voice or data of interest as claimed.

f. Claims 8 and 20 would serve to further define the invention of claims 7 and 19 over the prior art.

g. Per claims 11 and 23, the prior art does not teach or reasonably suggest in combination the present invention including assigning a priority value to each target on the list and acquiring data anticipated to correspond to the desired information for each of the targets on the list without regard to priority until a data capacity of the spacecraft is exceeded as claimed.

h. Claim 24 would serve to further define the invention of claim 23 over the prior art.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gallegos et al. (US005612901A) teaches an apparatus and method for cloud masking. Kuo (US005596494A) teaches a method and apparatus for acquiring digital maps. Hampton et al. (US005323317A) teaches a method and apparatus for determining runoff using remote geographic sensing. Orme et al. (US005248979A) teaches a dual function satellite imaging and communication system using solid-state mass data storage.

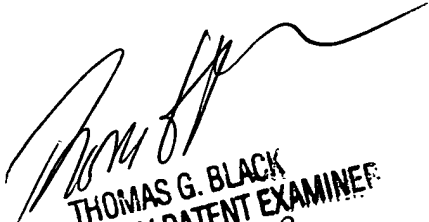
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 2602